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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/789,596	02/27/2004	Joseph Villamar	23-0699	9064

7590

07/01/2004

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EXAMINER

KING, ANITA M

ART UNIT

PAPER NUMBER

3632

DATE MAILED: 07/01/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/789,596

Applicant(s)

VILLAMAR, JOSEPH

Examiner

Anita M. King

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 February 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 8 is/are allowed.
- 6) ☒ Claim(s) 1 and 3-7 is/are rejected.
- 7) ☒ Claim(s) 2 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 February 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 2/27/04.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

This is the first office action for application number 10/789,596, Wrist Support Device, filed on February 27, 2004.

Drawings

The drawings are objected to because reference number "18" to the right in Fig. 1 appears to be incorrect and should be --16--. Corrected drawing sheets are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1 and 5-7 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent 6,039,292 to Danzyger et al., hereinafter, Danzyger. Danzyger discloses a wrist support device (10) for supporting a wrist of a user when the user is using a computer mouse, the wrist supporting device comprising: a base member (11) being adapted for being selectively coupled to the computer mouse; a cushion member (12) being coupled to the base member such that the cushion member extends upwardly from the base member, the cushion member being adapted for supporting the wrist of the user to reduce the stress on the wrist of the user when a hand of the user is positioned on the computer mouse; the cushion member being arcuate such that the cushion member extends between opposing side edges of the base member, the cushion member being adapted for supporting the wrist of the user from a variety of angles of the wrist with respect to the computer mouse; the cushion member being positioned adjacent a rear edge of the base member, the cushion member being adapted for being positioned in spaced relationship from a rear of the computer mouse to allow a heel of the hand of the user to be positioned between the computer mouse and the cushion member for greater comfort when the user is using the computer mouse; and the cushion member comprising a compressible material (Col. 5, line 19ff),

the compressible material being adapted for conforming to the wrist of the user to provided support and comfort for the wrist of the user when the user is using the computer mouse.

Claims 1 and 3-7 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent 5,788,195 to Rice. Rice discloses a wrist support device (220) for supporting a wrist of a user when the user is using a computer mouse, the wrist supporting device comprising: a base member (224) being adapted for being selectively coupled to the computer mouse; a cushion member (226) being coupled to the base member such that the cushion member extends upwardly from the base member, the cushion member being adapted for supporting the wrist of the user to reduce the stress on the wrist of the user when a hand of the user is positioned on the computer mouse; a base layer being coupled to a bottom surface of the base member, the base layer being adapted for abutting against a support surface such that the base layer slides across the support surface; the base layer comprising a low friction material (230), the low friction material being adapted for sliding easily across the support surface; the cushion member being arcuate such that the cushion member extends between opposing side edges of the base member, the cushion member being adapted for supporting the wrist of the user from a variety of angles of the wrist with respect to the computer mouse; the cushion member being positioned adjacent a rear edge of the base member, the cushion member being adapted for being positioned in spaced relationship from a rear of the computer mouse to allow a heel of the hand of the user to be positioned between the computer mouse and the cushion member for greater

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comfort when the user is using the computer mouse; and the cushion member comprising a compressible material, the compressible material being adapted for conforming to the wrist of the user to provided support and comfort for the wrist of the user when the user is using the computer mouse.

Allowable Subject Matter

Claim 2 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claim 8 is allowed.

The following is a statement of reasons for the indication of allowable subject matter: the primary reasons for the indication of the allowable subject matter in the above mentioned claims are the limitations of a wrist support device for supporting a wrist of a user when the user is using a computer mouse, including a base member comprising a receiving aperture, the receiving aperture extending through the base member, the receiving aperture being adapted for receiving the computer mouse such that the base member extends around the periphery of a lower portion of the computer mouse, the base member being adapted for frictionally engaging the computer mouse to selectively couple the base member to the computer mouse, the receiving aperture being adapted for permitting the computer mouse to function when the base member is coupled to the computer mouse, included in dependent claim 2 and independent claim

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8, in combination with the other elements recited in the respective claims and any subject matter of the intervening claims, which is not found in the prior art of record.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Patent 5,203,845 to Moore

U.S. Patent 5,562,270 to Montague

U.S. Patent 5,713,544 to Wolf et al.

U.S. Patent 5,820,968 to Kurani

U.S. Patent D406,578 to Fitzsimmons

U.S. Patent 6,050,964 to Yates

U.S. Patent 6,219,867 to Yates

U.S. Patent 6,402,100 to Rice

U.S. Patent 6,491,275 to Goodman et al.

U.S. Patent 6,648,282 to Sykes

Japanese Patent 10-91337 to Yokota


Swedish Publication 9500696 to Lindhe

The above mentioned patents all disclose various types of computer mouse supports and wrist rest.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anita M. King whose telephone number is (703) 308-2162. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Leslie A. Braun can be reached on (703) 308-2156. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Anita M. King
Primary Examiner
Art Unit 3632

June 27, 2004